

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Procs. Rc.No.C3/530/2019-11, dated 24.09.2020 - Appeal filed by Jadhav Prashanth S/o Rameshwar R/o Pulimadugu village of Utnoor Mandal of Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 29

Dated: 03-03-2021

Read the following:-

1. G.O. Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No C3/530/2019-11, dated 24.09.2020 of the District Collector, Adilabad District.
3. Appeal petition filed by Jadhav Prashanth S/o Rameshwar R/o Pulimadugu (V) of Utnoor Mandal of Adilabad District, dated 07.10.2020.
4. Govt.Memo.No.909/TW.LTR/2020, dated 04.12.2020 & 16.12.2020
5. Lr.Rc.No.D5/309/2018, Dt:09.12.2020 of PO, ITDA, Utnoor, Adilabad District.
6. Notice No.909/TW.LTR/2020, dated: 16-12-2020.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad District in 2nd reference has issued orders cancelling the Agency Area ST Certificate bearing No. C/399/2018, dt.08.03.2019 issued by the Tahsildar, Utnoor to Jadhav Prashanth S/o Rameshwar R/o Pulimadugu village of Utnoor Mandal of Adilabad District and also declared him as not a Local Schedule Tribe as per definition of GO Ms.No.24, TW (LTR.1) Dept.,dt.12.06.2018, basing on the following recommendations of the Scrutiny Committee headed by PO ITDA Utnoor:

- Jadhav Prashanth S/o Rameshwar R/o Pulimadugu village Utnoor Mandal of Adilabad District appeared before the Committee and submitted the following documents in support of his claim:
 - 1348 Fasli in the name of Kishan S/o Appa
 - 1955-56, Theensal Pahani in the name of Kishan S/o Appa
 - 1960-61 Pahani
 - 1969-70 Pahani in the name of Kapuriya S/o Kishan
 - 1972-73 Pahani
 - 1989-90 Pahani
 - 2006-07 Pahani
 - 2011-12 Pahani

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- 1977 Voter List Sl.No.211 to 214.
- Caste CND021811470490
- Aadhar card: 754173484095

3. The Scrutiny Committee has verified the documents produced by the individual and concluded with the following findings:

- i) On verification of Family Tree & land documents submitted by the applicants as per Fasli 1348 (1938 year) of Pulimadugu village:
 - at Sy.No.4 (Old), Kisnya S/o Apu (great grandfather) is recorded.
 - As per Theensal pahani 1955-58, Sy.No.19 Kishan S/o Hapu (great grandfather) is recorded.
 - As per pahani 1965-66 of Yenda village, Sy.No.107 is recorded in the name of Kapuriya (grandfather).
 - As per pahani 1965-66, 1969-70, 1972-73 Sy.No.107 is recorded in the name of Kapuriya S/o Kishan (grandfather).
 - As per subsequent pahanies 107/1, 107/27, 107/24 Sy.Nos. are recorded in the name of Sundaribai W/o Kapuriya (grandmother), Gopal S/o Kapuriya (father's brother).
- ii) As per land documents, the applicant has submitted (3) different Sy.Nos. i.e. Fasli record pertaining to Sy.No.4 of Pulimadugu village, Theensal 1955-58 pertains to Sy.No.19 of Pulimadugu village and Sy.No.107 of Yenda village. Thus the land records are pertaining to (2) different villages Pulimadugu & Yenda and has failed to prove that how the land was inherited at two different villages.
 - A show cause notice was issued to Jadhav Prashanth S/o Rameshwar R/o Pulimadugu village of Utnoor Mandal to attend before the Dist. Collector, Adilabad on 23.06.2020 along with his written reply and connected documents to prove his claim as Local Scheduled Tribe.
 - Accordingly, Sri Jadhav Prashanth has attended on 23.06.2020 and submitted the same documents which were submitted before the scrutiny committee, but not submitted documentary evidences if any from 1950. He has informed that he will produce sufficient evidences to prove his continuous residence in Agency area since 26.01.1950 within (3) days. But, he has not submitted the related documents as of now, even after giving ample time. So, the observations of the Scrutiny Committee are deemed to be found valid.

4. Aggrieved by the above cancellation orders of the District Collector, Adilabad, the appellant Jadhav Prashanth S/o Rameshwar has filed an appeal before the Government on 08.10.2020 under GO Ms.No.24, dt.12.6.2018, wherein he stated that:

- He has been selected for the post of Civil Constable.

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- His Agency Area Local ST certificate has been cancelled by the District Collector, Adilabad vide Procs.No.C3/530/2019, dt.18.10.2019.
- In Pulimadugu village, the land in Fasli 1948 in Sy.No.19 was sold by his great grandfather Kishan S/o Hapu – while they have been in possession and enjoyment of land in Sy.No.32 of same Pulimadugu village and Sy.No.107 of Yenda village from the year 1961 to till date.
- The land in Sy.No.52/2 in Salewada village had fallen to the share of his father Jadhav Roopsingh S/o Kapurya during family partition.
- The land in Pulimadugu village in Sy.No.32 is with another grandfather i.e. Jadhav Dasarath S/o Kapurya. Similarly, the land in Yenda village in Sy.No.107/26 is also with Jadhav Dasarath S/o Kapurya.
- The land in Sy.No.107/24/1 in Yenda village is with last grandfather Sri Jadhav Gopalsingh S/o Kapurya.
- Names of his grandfathers were recorded in the Voter Lists of 1971, 1977 and 1993 of Pulimadugu village.

5. Thus, his family has been staying in Kummarithanda (Pulimadugu) since 1948 to till date and therefore, requested to declare him as Agency Area Local ST for enabling him to seek appointment as Police Constable.

6. The appellant Jadhav Prashanth S/o Rameshwar has submitted the following documents along with the Appeal and also during hearing on 23.12.2020 have been examined as detailed below.

- Family Tree – Kishan S/o Haffu is great great grandfather of appellant Prashanthh S/o Rameshwar. He has four sons namely **1) Kaporiya (great grandfather of appellant)** 2) Harichand 3) Hanmanthu and 4) Shivilal.
- Kaporiya i.e. great grandfather of appellant has three sons viz., **1) Roopsingh (grandfather of appellant)** 2) Dasharath and 3) Gopal Singh.
- Roopsingh i.e. grandfather of appellant has three sons viz., **1) Rameshwar (father of appellant)** 2) Premsingh and 3) Rajeshwar.
- Fasli 1348 (1938 year) – Pulimadugu village – name of Kisnya S/o Apu (great grandfather of appellant) was recorded.
- Pahani for the year 1955-56, 1956-57, 1957-58 – Pulimadugu village – Utnoor Mandal – name of Kishan S/o Apu (great great grandfather of appellant) was recorded.
- Pahani for the year 1965-66, 1966-67 – Yenda village – Utnoor Mandal – name of Kapurya (great grandfather of appellant) was recorded for an extent of acs.6.00 and acs.5.20 respectively in Sy.No.107/Sarkari.
- Pahani for the year 1967-68 – Yenda village – Utnoor Mandal – name of Kapurya (great grandfather of appellant) was recorded for an extent of Acs.5.12 in Sy.No.107/Sarkari.

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- Pahani for the year 1968-69 – Yenda village – Utnoor Mandal – name of Kapurya S/o Kishan (great grandfather of appellant) was recorded for an extent of Acs.6.20 in Sy. No. 107/Sarkari.
- Pahani for the year 1969-70 – Yenda village – Utnoor Mandal – name of Kapurya S/o Kishan (great grandfather of appellant) was recorded for an extent of Acs.6.20 in Sy.No.107/Sarkari.
- Pahani for the year 1970-71 – Pulimadugu village – Utnoor Mandal – name of Roopsingh S/o Kapurya (grandfather of appellant) was recorded.
- Pahani for the year 1972-73 – Pulimadugu village – Utnoor Mandal – name of Roopsingh S/o Kapurya (grandfather of appellant) was recorded for an extent of Acs.2.30.
- Pahani for the year 1974-75 – Pulimadugu village – Utnoor Mandal – name of Roopsingh S/o Kapurya R/o Pulimadugu village was recorded.
- Pahani for the year 1977-78 – Yenda village – Utnoor Mandal – name of Sundaribai W/o Kapurya (great grandmother of appellant) was recorded for an extent of acs.4.19 in Sy.No.107/24 and also name of Sri Dasarath S/o Kapurya (younger brother of grandfather Roopsingh) was recorded for an extent of Acs.6.37 in Sy.No.107/26.
- Pahani for the year 1979-80 – Pulimadugu village – Utnoor Mandal – name of Roopsingh S/o Kapurya R/o Pulimadugu village was recorded.
- Pahani for the year 1989-90 – Yenda village – Utnoor Mandal – name of Sundaribai W/o Kapurya (great grandmother of appellant) was recorded for an extent of Acs.45.19 in Sy.No.107/1.
- Pahani for the year 1990-91 – Yenda village – Utnoor Mandal – name of Dasarath S/o Kapurya (younger brother of grandfather Roopsingh) was recorded for an extent of Acs.6.37 in Sy.No.107/26.
- Pahani for the year 1993-94, 1994-95, 1996-97, 1998-99 – Yenda village – Utnoor Mandal – name of Sundaribai W/o Kapurya (great grandmother of appellant) was recorded for an extent of acs.4.19 in Sy.No.107/24 and also name of Dasarath S/o Kapurya (younger brother of grandfather Roopsingh) was recorded for an extent of acs.6.37 in Sy.No.107/26.
- Pahani for the year 2001-02 – Yenda village – Utnoor Mandal – name of Sundaribai W/o Kapurya (great grandmother of appellant) was recorded for an extent of Acs.4.19 in Sy.No.107/24.

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- Pahani for the year 2003-04 – Yenda village – Utnoor Mandal – name of Sundaribai W/o Kapurya (great grandmother of appellant) was recorded for an extent of Acs.4.19 in Sy.No.107/24 and also name of Dasarath S/o Kapurya (younger brother of grandfather Roopsingh) was recorded for an extent of Acs.6.37 in Sy.No.107/26.
- Pahani for the year 2005-06, 2006-07, 2007-08, 2011-12 – Yenda village – Utnoor Mandal – name of Jadhav Sundaribai W/o Kapurya (great grandmother of appellant) was recorded for the extents of Acs.4.19 in Sy.No.107/24 and Acs.4.35 in Sy.No.107/27 and name of Jadhav Dasarath S/o Kapurya (younger brother of grandfather Roopsingh) was recorded for an extent of Acs.6.37 in Sy.No.107/26.
- Pahani for the year 2012-13 – Yenda village – Utnoor Mandal – name of Jadhav Sundaribai W/o Kapurya (great grandmother of appellant) was recorded for an extent of acs.4.19 in Sy.No.107/24 and name of Sri Jadhav Dasarath S/o Kapurya (younger brother of grandfather Roopsingh) was recorded for an extent of Acs.6.37 in Sy.No.107/26.
- Copy of Telangana Food Security Card issued to Smt.Jadhav Yamunabai W/o Roopsingh (grandmother of appellant) aged 62 years, agri labour R/o Kummarithanda, Utnoor Mandal wherein name of Sri Roopsingh (husband) aged 64 years was also recorded.
- PPB bearing No.T13180130112 (Khata No.161) issued to Sri Jadhav Dasarath S/o Kapurya (younger brother of grandfather of Roopsingh) by Tahsildar, Utnoor which shows possession of an extent of Acs.6.37 in Sy.No.107/26 (assigned land inherited to Dasarath) in Yenda village.
- PPB bearing No.T13180130111 (Khata No.160) issued to Sri Jadhav Gopalsingh S/o Kapursingh (i.e. youngest brother of grandfather Roopsingh) R/o Yenda village, Utnoor Mandal showing possession of an extent of Acs.4.19 in Sy.No.107/24/1 (assigned land inherited to him).
- Voter list for the year 1971 – village: Pulimadugu – Taluq: Utnoor – Dist. Adilabad – 237 Boath Assembly Constituency – Part No.159 – Sl.Nos.263 to 266 under H.No.1-139 – names of Kapurya S/o Kishtu (great grandfather), Sundaribai W/o Kapurya (great grandmother), Roopsingh S/o Kapurya (grandfather) and Yamunabai W/o Roopsingh (grandmother) were recorded.
- Voter list for the year 1977 – village: Yenda – Taluq: Utnoor – Dist. Adilabad – 243 Khanapur Assembly Constituency – Part No.89 – Sl.Nos.211 to 216 under H.No.1-151 – names of 1) Kapura S/o Kishtu (great grandfather) 2) Sundaribai W/o Kapura (great grandmother) 3) Roopchand S/o Kapura (grandfather), 4) Yamunabai W/o Roopchand (grandmother), 5) Dasarath S/o Kapura (younger brother of grandfather Roopsingh) and 6) Devukabai W/o Dasarath, were recorded.

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- Voter list for the year 1993 – village: Pulimadugu – Taluq: Utnoor – Dist. Adilabad – 243 Khanapur (ST) Assembly Constituency – Polling Station No.2 (Kummarithanda) – Sl.Nos.394, 395 and 396 under H.No.1-7 recorded names of 1) Jadhav Gopal S/o Kapuriya (youngest brother of grandfather Roopsingh) 2) Vimalabai W/o Gopal, 3) Sundaribai W/o Kapuriya (great grandmother); Sl.Nos.405 to 411 under H.Nos.1-11, 1-12 and 1-13 recorded names of 1) Jadhav Roopsingh (grandfather of appellant) 2) Yamunabai W/o Roopsingh (grandmother) 3) Premsingh S/o Roopsingh 4) Rameshwar (father) 5) Vijaya W/o Rameshwar (mother) 6) Dasarath S/o Kapuriya (younger brother of grandfather Roopsingh) and 7)Devukabai W/o Dasarath.
- Copy of Agency Area Local ST Certificate bearing Rc.No.C/399/2018, dt.08.03.2019 issued by Tahsildar, Utnoor to Jadhav Prashanthh Son of Rameshwar certifying that himself and his parents/grandparents have been continuously residing at Kummarithanda since 26.01.1950 which is a notified scheduled village.
- Joint Resolution dt.19.10.2020 by Sarpanch, GP Kummarithanda, Utnoor Mandal and Vice-President, PESA Act Grama Committee, GP Kummarithanda wherein it has been detailed about the family that Sri Kishan S/o Happu has one son namely Kapuriya and Kapuriya has three sons namely 1) Roopsingh 2) Dasarath and 3) Gopalsingh. In the year 1980 the land of Roopsingh (grandfather of appellant) was sold to his brother Dasarath. Due to this fact, there is no land recoded in the name of Rameshwar S/o Roopsingh. It has been further declared that Roopsingh (grandfather of appellant) Dasarath and Gopalsingh are the own brothers & sons of Sri Kapuriya and living in Kummarithanda village from before 1950. Further, the distance between Pulimadugu, Yenda and Kummarithanda would be 2 to 3 Kilometres.

7. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit connected documents pertaining to the case along with para-wise remarks.

8. Accordingly, vide reference 5th read above, the PO ITDA, Utnoor District has submitted original record of the case along with para wise remarks.

9. Vide reference 6th read above, a Notice has been sent to the Appellant to attend for hearing on 23.12.2020 at 2.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 23.12.2020 submitted documents in support of his claim that they have been residing in the Agency Area since 1950 till date.

10. From the above documentary evidences, it is found that the appellant and his forefathers have been continuously living in the agency village i.e. Kummarithanda H/o Pulimadugu which is a notified scheduled village of Utnoor Mandal of Adilabad District from before 1950.

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11. From the record, there is no complaint made against the Appellant Jadhav Prashanth S/o Rameshwar and the District Collector, Adilabad ought to have informed the same to the appointing authority i.e. Superintendent of Police, Adilabad about his genuineness as per the above directions of the Hon'ble High Court, but instead conducted inquiry into the agency area local ST status of the candidate and declared him as not Local ST of Agency village. Non-compliance of Hon'ble High Court directions would attract contempt proceedings. On this count also, the appeal filed by the appellant Jadhav Prashanth deserves to be allowed.

12. Government after careful examination of the documents available on record sent by the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 23.12.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018 it is found that the appellant and his forefathers have been continuously living in the village i.e. Kummarithanda H/o Pulimadugu which is a notified scheduled village of Utnoor Mandal of Adilabad District from before 1950.

13. Accordingly, Government hereby set aside orders of the Collector & District Magistrate, Adilabad District in Procs.No.C3/530/2019-11, dt. 24.09.2020 and allow the Appeal Petition filed by Jadhav Prashanth S/o Rameshwar R/o Pulimadugu village of Utnoor Mandal of Adilabad District and treating him as Local ST candidate of Kummarithanda H/o Pulimadugu, an agency village in Utnoor Mandal, Adilabad District and also his Agency Area Local ST Certificate bearing No. C/399/2018, dt.08.3.2018 is treated as valid.

14. The Collector and District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

1. The Collector and District Magistrate, Adilabad District.
2. Jadhav Prashanth S/o Rameshwar R/o Pulimadugu village of Utnoor Mandal of Adilabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA, Utnoor, Adilabad District (for information & necessary action)
3. The Superintendent of Police, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. The PS to Special Secretary (TW)
7. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER